GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes, Prohibition & Excise and Transport Departments – Surprise Check conducted over the Integrated Check Post of Commercial Taxes, Prohibition & Excise and Transport Departments, Naraharipeta, Chittoor District on 21-12-2013 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of APCS (CCA) Rules, 1991 - Article of Charges framed against Sri G.Suresh Babu, Assistant Commercial Tax Officer, Commercial Taxes – Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.801 Date : 07-09-2015
Read :

G.O.Ms.No.323, Revenue (Vigilance - II) Department, dated 07-09-2015.

&

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, in the reference read above it is considered necessary to hold an enquiry against Sri G.Suresh Babu, Assistant Commercial Tax Officer, Commercial Taxes, Integrated Check Post, Naraharipeta, Chittoor District (Suspected Officer-2) Under Rule 20 of the said rules. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of witnesses by whom and the list of documents by which the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Sri G.Suresh Babu, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is directed to submit within ten days of the receipt of this Order a written statement of his defense.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri G.Suresh Babu, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

5. Attention of Sri G.Suresh Babu, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters

(p.t.o)

pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

6. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Suresh Babu, Assistant Commercial Tax Officer, Commercial Taxes, Integrated Check Post, Naraharipeta, Chittoor Dist. (Enclosers Annexures I to IV)
through the Commissioner of Commercial Taxes, A.P., Hyderabad.
(with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

1.The Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad.
2.The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyd.
3.The Director General, Anti Corruption Bureau, A.P., Hyderabad.
4.The Deputy Commissioner, Commercial Taxes, Chittoor District,
5.The Revenue (CT.I) Department.
6. SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-I

Statement of Articles of Charges framed against Sri Gangala Suresh Babu, S/o.G.Tirupai Setty, Age 30 Years, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Naraharipeta, Chittoor District.

That Sri Gangala Suresh Babu, S/o.Tirupai Setty having joined Government service as Assistant Commercial Tax Officer 24-10-2009 in Commercial Taxes Department. He worked in the above capacities at various places in Chittoor District. He worked as Assistant Commercial tax Officer, Integrated Check Post, Naraharipeta Chittoor District from 01-04-2013 to 21-12-2013. While he was working as Assistant Commercial tax Officer, Integrated Check Post, Naraharipeta Chittoor District from 01-04-2013 to 21-12-2013, he has committed grave misconduct in as much as he has encouraged corruption among his sub-ordinates, which is evident through the recovery of un accounted amounts from the office premises to tune of Rs.64,920/-. The Government Servant with the connivance of his staff in the habit of collecting bribe amounts form the truck / lorry operators passing through the Integrated Check Post and the same is evident by voluntary offerings obtained in the counter of the Commercial Taxes Department during the time of Surprise Check to a tune of Rs.27,270/-. He violated the provisions laid down under by violating the instructions of the Superior Officers in G.O.Ms.No.381 (Services-C) Department dated 08-12-2003 which enunciates that "A Government Servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devoting to duty and he failed to declare the cash found in his possession in personnel cash register, i.e., even as 'nil' thereby contravened Rule 3 (1), (2) & (5) and Rule 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, Sri G.Suresh Babu S/o.G.Tirupai Setty by his above mentioned acts has exhibited lack of supervision, lack of integrity, lack of devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 3 (1), (2) & (5) and 9 (8) (A) of AP Civil Services (Conduct) Rules, 1964.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-II

Statement of Imputations of Misconduct and Misbehaviour in support of Articles of Charges framed against Sri Gangala Suresh Babu, S/o.G.Tirupai Setty, Age 30 Years, Assistant Commercial Tax Officer, Commercial Taxes Department, Integrated Check Post, Naraharipeta, Chittoor District.

Sri G.Suresh Babu, S/o.G.Tirupai Setty is a native of Muthulurupadu, Khajipeta (M), Kadapa District, His date of birth is 01-05-1982. He entered into Government service as Assistant Commercial Tax Officer on 24-10-2009 in Commercial Taxes Department. He worked in the above capacities at various places in Chittoor District. He worked as Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta Chittoor District from 01-04-2013 to 21-12-2013. He was drawing a basic pay of Rs.16,150/- in the scale of pay Rs.14,860/- to Rs.39,540/- as on 21-12-2013. His superannuation is on 30-04-2042. He is here-in-after referred to as Government Servant.

CHARGE:

That the Government Servant Sri G.Suresh Babu, S/o.G.Tirupai Setty while he was working as Assistant Commercial tax Officer from 01-04-2013 to 21-12-2013 he has committed grave misconduct in as much as he encouraged corruption among his sub-ordinates, which is evident through the recovery of unaccounted amounts from the office premises to tune of Rs.64,920/-. The Government Servant with the connivance of his staff in the habit of collecting bribe amounts form the truck / lorry operators passing through the Integrated Check Post and the same is evident by voluntary offerings obtained in the counter of the Commercial Taxes Department during the time of Surprise Check to a tune of Rs.27,270/-. He violated the provisions laid down under by violating the instructions of the Superior Officers in G.O.Ms.No.381 (Services-C) Department dated 08-12-2003 which enunciates that "A Government Servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devoting to duty and thereby contravened Rule 3 (1), (2) & (5) and Rule 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Facts & Evidence:

Basing on credible information that the officials working in the Integrated Check Post, Naraharipeta, Chittoor District were indulging in corrupt and illegal practices and were collecting illegal gratification / bribe from the drivers / cleaners of the vehicles passing through the Check Post by allowing them to pass through the Check Post without check for the irregularities being committed by them, a Surprise Check was conducted on the Integrated Check Post, Narahaqripeta, Chittoor District on 21-12-2013 from 00.30 hours to 05-30 hours in the presence of official witnesses.

Being the on duty in-charge officer for the Commercial Taxes at the Integrated Check Post, he had to perform his legitimate duties of verification of documents of Incoming Goods Vehicles, to collect taxes / penalties and user charges etc. Whereas he was found using the official position for his pecuniary gains and causing loss to the Government Revenue. He is habituated to corruption and he also encouraged corruption among his Sub-ordinates, which is evident through the recovery of excess amounts from the office premises to a tune of Rs.64,920/-. The Suspected Officer-II with the connivance of his staff is in the habit of collecting bribe amounts from the truck / lorry operators passing through the Check Post and the same is evident by voluntary offerings obtained in the counters of the Commercial Taxes Department during the time of Surprise Check to a tune of Rs.27,270/-.

(Contd..)

An amount of Rs.27,270/- which was collected as voluntarily offerings by the truck / lorry operators passing through the Check Post during the period from 1-00 AM to 4-00 AM on the day of Surprise Check strengthens that the excess amount found in the office premises is clearly a collection of bribe amount form the truck / lorry operators plying through the Check Post during the period between 8-00 PM on 20-12-2013 to 4-00 AM on 21-12-2013 as bribe received through voluntarily offerings or otherwise.

Thus, from the above, he has contravened the Rule 3 (1), (2) and (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964 and G.O.Ms.No.381, General Administration (Ser-C) Department, dated 08-12-2003 which enunciates that "A government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devoting to duty".

Further when he was examined, as to why he has not put his signature in the attendance register, he stated the he is on leave. The same was orally approved by the Deputy Commercial Tax Officer Sri I.V.Ranga Rao, (Suspected Officer-1) when examined at the time of Surprise Check. But the same Deputy Commercial Tax Officer in his written reply stated that no leave was sanctioned to the Suspected Officer – II. On further examination of the staff of the Integrated Check Post it is learnt that, before joining the shift duty, the Suspected Officer-II is in the bad habit of keeping a leave letter within. So that, if any Anti Corruption Bureau raid occurs, he uses the leave letter as a cause to escape from the responsibility. If at all he has applied for leave and if his superior has sanctioned leave, he need not be present in the Check Post at that late hours and he should not have done official transactions. This is evident from the transactions done by him on the date of Surprise Check. Further it is also learnt that, he is in the habit of putting signature in the attendance register after the completion of his shift duty, to avoid supervisory remarks by his superiors.

Further in the same modu operandi, as explained above, the Suspected Officer-II is not in a habit of declaring his personal cash in the Personal Cash Register before joining his shift duty. But is being entered by him after completion of his duty. This is to take plea of claiming excess amount, if at all found in his possession during the Surprise Checks by Anti Corruption Bureau Officials. Thus, he contravened the guidelines contained in G.O.Ms.No.200, dated 26-03-2007 of General Administration (Service-C) Department with regard to the declaration of personal cash.

The facts and material gathered so revealed that the Government Servant Sri G.Suresh Babu, S/o.Tirupal Setty, Assistant Commercial Taxes Officer has committed the grave misconduct.

Thus, the Government Servant Sri G.Suresh Babu, S/o.G.Tirupai Setty by his above mentioned act has exhibited lack of supervision, lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby violated Rule 3 (1), (2) & (5) and 9 (8) (a) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Department Action, for Major penalty.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES:

1) Sri V.Ravi Kumar Naidu, S/o.Kuppaiah Naidu, age 45 years, MPDO, Veduru Kuppam Mandal, Chittoor District, Cell No.9491071338.

2) Sri G.Chandra Shekar, S/o.G.Rama Swamy, age 42 years Sr.Asst., MPP, Chandragiri, Chittoor District, Cell No.9000368832

3) Sri Mani Ravi, S/o.Mani, age 31 years, Lorry driver bearing No.AP 02 W 4446, R/o.38/A, Ponnuswamy street, Pichanuru, Gudiyattam-63, Tamilnadu, Cell No.07200002679.

4) Sri Ammu Raja, S/o.A.Armugam, age 39 years, Lorry driver bearing No. TN 23 AM 2022, R/o.Marriyamma Kovel Street, Aunikalt Village, Velluru District, Cell No.08098072859.

5) Sri Chennai Nagaraja, S/o.Chinna Thambi, age 50 years, Lorry driver bearing No. TN 40 D 2146, R/o.30, Saraswathi Nagar, near TVT Nagar, Chennai, Cell No.09789860375.

6) Sri Kanniyappan Subramanyam, S/o.Kanniyappa, age 53 years, Lorry driver bearing No.TN 23 AJ 3688, R/o.42, Maruthi Nagar, Veluru-9, Tamilnadu, Cell No.09994277945.

7) Galiveedu Chandra Sekhar, S/o.Gaganna, age 36 years, Lorry driver bearing No.AP 04 TU 2595, R/o.D.No.6/76, Pakkireddygaripalli Village, Galiveedu Mandal, Kadapa District, Cell No.9704498549.

8) Sri K.Chandra Sekhar, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati.

9) Sri P.S.V.Rama Kishore, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati.

10) Sri M.Sudhakara Reddy, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati.

11) Sri C.Lakshmikantha Reddy, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-IV

LIST OF RECORDS/DOCUMENTS:

1) Original Surprise check proceedings 1 & 2 drafted on 21-12-2013 from 00-30 AM to 05-30 AM at the Integrated Check Post, Naraharipeta, Chittoor District.

2) Attendance Register of Commercial Taxes Department of Integrated Check Post, Naraharipeta, Chittoor District.

3) Personal Cash declaration Register of Commercial Taxes Department of Integrated Check Post, Naraharipeta, Chittoor District.

4) Statement of Sri Mani Ravi, S/o.Mani, age 31 years, Lorry driver bearing No.AP 02 W 4446, R/o.38/A, Ponnuswamy street, Pichanuru, Gudiyattam-63, Tamilnadu, Cell No.07200002679.

5) Statement of Sri Ammu Raja, S/o.A.Armugam, age 39 years, Lorry driver bearing No. TN 23 AM 2022, R/o.Marriyamma Kovel Street, Aunikalt Village, Velluru District, Cell No.08098072859.

6) Statement of Sri Chennai Nagaraja, S/o.Chinna Thambi, age 50 years, Lorry driver bearing No. TN 40 D 2146, R/o.30, Saraswathi Nagar, near TVT Nagar, Chennai, Cell No.09789860375.

7) Statement of Sri Kanniyappan Subramanyam, S/o.Kanniyappa, age 53 years, Lorry driver bearing No.TN 23 AJ 3688, R/o.42, Maruthi Nagar, Veluru-9, Tamilnadu, Cell No.09994277945.

8) Statement of Galiveedu Chandra Sekhar, S/o.Gaganna, age 36 years, Lorry driver bearing No.AP 04 TU 2595, R/o.D.No.6/76, Pakkireddygaripalli Village, Galiveedu Mandal, Kadapa District, Cell No.9704498549.

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